

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Austin Flake and Logan Flake, husband and wife,

Plaintiffs,

v.

Joseph Michael Arpaio, in his official capacity as Sheriff of the Maricopa County Sheriff's Office, and in his personal capacity along with his wife Ava J. Arpaio; Maricopa County, a political subdivision of the State of Arizona; Marie Trombi, in her personal capacity,

Defendants.

No. CV-15-01132-PHX-NVW

**ORDER SETTING FINAL  
PRETRIAL CONFERENCE**

Pursuant to Rule 16(e) of the Federal Rules of Civil Procedure, a Final Pretrial Conference shall be held on **May 23, 2018 at 2:00 p.m.** in Courtroom 504, Sandra Day O'Connor U.S. Courthouse, 401 West Washington Street, Phoenix, Arizona 85003. In preparation for this Final Pretrial Conference,

**IT IS HEREBY ORDERED:**

1. The attorneys who will be responsible for the trial of the case shall attend the Final Pretrial Conference.

2. The parties jointly shall prepare a Proposed Final Pretrial Order and shall lodge it with the Court no later than **4:00 p.m. on May 2, 2018**. Preparation and lodging of the Proposed Final Pretrial Order in accordance with the requirements of this Order

1 shall be deemed to satisfy the disclosure requirements of Rule 26(a)(3) of the Federal  
2 Rules of Civil Procedure. The parties shall submit a copy of the Proposed Final Pretrial  
3 Order to the Court in Microsoft Word 2010 (.doc) format (or higher) by email to  
4 Wake\_Chambers@azd.uscourts.gov.

5 3. The Proposed Final Pretrial Order shall include the information prescribed  
6 in the Joint Proposed Final Pretrial Order form found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under  
7 Judges Information/Orders, Forms and Procedures/Judge Wake. Information shall not be  
8 set forth in the form of a question, but shall be presented in concise narrative statements.

9 4. Pursuant to Federal Rule of Civil Procedure 37(c), the Court will not allow  
10 the parties to offer any exhibit, witness, or other evidence that was not disclosed in  
11 accordance with the provisions of this Order and the Federal Rules of Civil Procedure  
12 and listed in the Proposed Final Pretrial Order, except to prevent manifest injustice.

13 5. The parties shall exchange drafts of the Proposed Final Pretrial Order no  
14 later than **14 days** before the submission deadline. The Plaintiff(s) shall have the burden  
15 of initiating communications concerning the Proposed Final Pretrial Order.

16 6. The parties shall (a) meet in person and exchange copies of all exhibits to  
17 be used at trial no later than **14 days** before the submission deadline for the Proposed  
18 Final Pretrial Order (any exhibit not exchanged at this meeting shall be precluded at  
19 trial), and (b) eliminate any duplicate exhibits while meeting to exchange exhibits.

20 7. The parties shall file and serve all motions in limine no later than **May 2,**  
21 **2018.** Each party shall file all of its motions in limine in a single document, with  
22 subheadings distinguishing one motion from another by number (*e.g.*, “Motion in Limine  
23 No. 1: *[insert brief description of motion]*,” “Motion in Limine No. 2: *[insert brief*  
24 *description of motion]*,” etc.). Each motion shall include proposed language for the order  
25 in limine being sought from the Court, and the proposed language shall state with  
26 precision the evidence that is subject to the proposed order and the limitation or exclusion  
27 placed on the evidence. Responses to motions in limine shall be filed on or before  
28 **May 16, 2018.** No replies will be permitted. Counsel shall be prepared to argue the

1 merits of such motions at the Final Pretrial Conference.

2 8. If this case will be tried to a jury, the parties shall complete the following  
3 tasks by the time of the lodging of the Proposed Final Pretrial Order:

4 (a) The parties shall file a stipulated description of the case to be read to the  
5 jury.

6 (b) The parties shall jointly file a proposed set of voir dire questions. The  
7 Court's standard civil voir dire questions are located on the Court's website at  
8 [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges Information/Orders, Forms and Procedures/Judge  
9 Wake. Any additional requested voir dire questions shall be drafted in a neutral manner.  
10 To the extent possible, the parties shall stipulate to the proposed questions. If the parties  
11 have any disagreement about a particular question, they shall state the reason for their  
12 objection below the question. The parties shall also provide, for the purposes of voir dire,  
13 a joint master list of the names of every witness who may be called at trial.

14 (c) The parties shall file proposed jury instructions in accordance with  
15 "Guidelines for Jury Instructions in Civil Cases" found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under  
16 Judges Information/Orders, Forms and Procedures/Judge Wake.

17 (d) Each party shall file a proposed form of verdict, including any proposed  
18 special verdict forms or juror interrogatories.

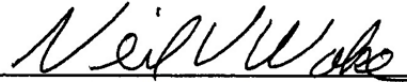
19 (e) The joint statement of the case, proposed voir dire questions, proposed jury  
20 instructions, and forms of verdict shall be submitted in Microsoft Word 2010 (.doc)  
21 format (or higher) by email to Wake\_Chambers@azd.uscourts.gov.

22 9. If the case will be tried to the Court, each party shall lodge proposed  
23 findings of fact and conclusions of law with the Proposed Final Pretrial Order. The  
24 proposed findings of fact and conclusions of law shall also be submitted in Microsoft  
25 Word 2010 (.doc) format (or higher) by email to Wake\_Chambers@azd.uscourts.gov.

26 10. The parties shall be prepared to advise the Court at the Final Pretrial  
27 Conference of the status of settlement discussions. Should settlement be reached at any  
28 time, the parties promptly shall file a Notice of Settlement with the Clerk of the Court.

1           11. Counsel shall review Judge Wake's statement of Trial Conduct and  
2 Decorum before the Final Pretrial Conference. A copy can be found on the Court's  
3 website at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges Information/Orders, Forms and  
4 Procedures/Judge Wake.

5           Dated this 3rd day of April, 2018.

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9 Neil V. Wake  
10 Senior United States District Judge  
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